



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্রাপ্ত কৰ্ত্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
ASSAM REAL ESTATE APPELLATE TRIBUNAL :: DISPUR

NOTIFICATION

The 18th March, 2021

No.REAT/EST/4/2021/11.-

ASSAM REAL ESTATE APPELLATE TRIBUNAL REGULATIONS, 2021

In exercise of the powers conferred by sub-section (2) of Section 53 of the Real Estate (Regulation and Development) Act, 2016, the Assam Real Estate Appellate Tribunal hereby makes the following Regulations to regulate its own practice and procedure.

CHAPTER I PRELIMINARY

1) Short title and Commencement

- i. These Regulations may be called the Assam Real Estate Appellate Tribunal Regulations, 2021.
- ii. These Regulations shall come into force from the date of uploading on the website of Assam Real Estate Appellate Tribunal/Assam Real Estate

Regulatory Authority/Urban Development Department, Government of Assam, as the case may be.

iii. **These Regulations shall apply in relation to all matters falling within the jurisdiction of the Tribunal in the State of Assam.**

2) Definitions

(A) In these Regulations, unless the context otherwise requires:

- i. **“Act” shall mean the Real Estate (Regulation and Development) Act, 2016, as amended from time to time.**
- ii. **“Appeal” means an appeal filed under sub-section (1) of Section 44 of the Act read with Rules framed thereunder.**
- iii. **“Authorised person” means a person authorized by the appellant/s and respondent/s to represent him/them before the Tribunal and includes the persons as explained in Section 56 of the Act.**
- iv. **“Chairperson” means the Chairperson of the Assam Real Estate Appellate Tribunal appointed under Section 46(2) of the Act.**
- v. **“Code” means the Code of Civil Procedure, 1908, as amended from time to time.**
- vi. **“Consultant” includes any person not in the employment of the Tribunal and who may be appointed to assist the Tribunal on any matter required to be dealt with by the Tribunal under the Act, Rules and Regulations thereunder.**
- vii. **“Member” means Member of the Assam Real Estate Appellate Tribunal appointed under Section 46(3) of the Act.**
- viii. **“Proceedings” mean and include proceedings of all nature that the Tribunal may conduct in the discharge of its functions under the Act and the Rules and the Regulations thereunder.**

- ix. “Registrar” means the Registrar of the Assam Real Estate Appellate Tribunal and includes an officer of the Appellate Tribunal who is authorised by the Chairperson to function as Registrar.
- x. “Rules” shall mean the Assam Real Estate (Regulation and Development) Rules, 2017, as amended from time to time.

(B) Words or expressions occurring in these Regulations and not defined herein shall bear the same meaning assigned to them in the Act and the Rules thereunder.

CHAPTER II

AREA OF JURISDICTION

3) The Assam Real Estate Appellate Tribunal, 2021 shall be applicable to the State of Assam.

CHAPTER III

LANGUAGE

4) Language of the Tribunal

- i. The proceedings of the Appellate Tribunal shall be conducted in English.
- ii. No appeal, application, document or other papers contained in any language other than English, shall be accepted by the Tribunal unless the same is accompanied by true translation thereof in English attested by a qualified translator and countersigned by the party concerned.

CHAPTER IV

DRESS AND DISCIPLINE

5)

- i. The dress code for male employees/officers of the Tribunal shall be white shirt and black trousers and for female employees/officers shall be white kurta and black pyjama or white saree and black blouse. In addition, Sheristadar, Personal Assistants and Private Secretaries shall wear black coat.

- ii. The Advocates appearing before the Tribunal shall wear the same professional dress as prescribed for appearance before the Court. The wearing of gown is optional.
- iii. Other legal representatives like chartered accountant, etc. if they have been prescribed a dress for appearing in their professional capacity before any Court, Tribunal or Appellate Tribunal or other such authority, may at their option, wear the same dress.
- iv. The party who has engaged a legal practitioner to appear for him before the Tribunal shall not be entitled to be heard in person unless permitted by the Tribunal.
- v. In the court hall or in any hearing before the Tribunal, no cell phone or any other electronic gadgets shall be used or operated.

CHAPTER V

SITTINGS, WORKING HOURS AND CALENDAR

6) Sittings

- i. The head office of the Appellate Tribunal shall be at Guwahati.
- ii. The Appellate Tribunal may conduct its proceedings at the head office or at any other place within its jurisdiction on days and time as directed by the Chairperson.
- iii. In the absence of the Chairperson or vacancy of the Chairperson, the other two Members can conduct the proceedings of the Tribunal. In such cases, amongst the two Members, the Judicial Member will act as Chairperson.
- iv. When the Tribunal is closed for vacation, the Vacation Bench shall sit on such days as may be specified by the Chairperson. During the vacation, only the matters which are required to be immediately or urgently dealt with, shall be received in the Registry and the Registrar on being satisfied about the urgency and with approval of the Chairperson, shall order registration and posting of such cases.

7) Working Hours

- i. The office working hours of the Tribunal shall be from 10.00 AM to 6.00 PM with 45 minutes recess from 2.00 PM to 2.45 PM.
- ii. The sitting of Tribunal shall be from 11.00 AM to 2.00 PM and from 2.45 PM to 4.45 PM, with 45 minutes recess from 2.00 PM to 2.45 PM.
- iii. The Filing Counter of the Registry shall be open on all working days from 10.00 AM to 4.00 PM or as may be notified by the Appellate Tribunal from time to time.

8) Calendar

The Appellate Tribunal shall follow the Calendar of the Gauhati High Court.

CHAPTER VI

PRESENTATION OF PROCEEDINGS

9) Presentation of Proceedings

- i. All appeals to be instituted with the Tribunal shall be presented online in 'Form C' as prescribed.
- ii. Every appeal shall be accompanied by an appeal fee of Rs.1000/- (Rupees One Thousand).
- iii. The hard copy of such appeals along with attachments shall be presented in the Office of the Registrar to the authorized person within seven (7) days from the date of online filing. On failure to submit hard copies within time, such appeals shall be notified by the Registry for dismissal for want of hard copies.

- iv. All other proceedings with attachments, if any, shall be instituted in the Office of the Registrar till the online system is in place.
- v. All proceedings to be presented to the Tribunal shall be in English and in case it is in some other language, it shall be accompanied by a true translation of the same in English and shall be legible, type-written or printed in double spacing with proper margin, duly paginated, indexed and stitched together in paper book form and shall be presented in triplicate.
- vi. The authorized official, on receipt of memorandum of appeal and other proceedings as per (ii), (iii) and (iv) above, shall affix the date and seal of the Tribunal on all pages under his initials and thereafter shall, on the same day, send it to the Registrar.
- vii. Court fee stamps affixed on Vakalatnama, Letter of Authorisation and the documents shall be checked and entered after due cancellation in the Court Fee Register, to be maintained as per the procedure.
- viii. In case of delay, if the last day of filing appeal falls on a holiday, that day and succeeding holidays shall be excluded for the purpose of reckoning the period of limitation. Appeal should be presented on the next working day succeeding the holidays from the last date of limitation.
- ix. On examination of appeals, if the Registrar finds the same to be in order, he shall seek appropriate orders for allotment of appeal.

10) Documents to accompany Memorandum of Appeal

- i. Memorandum of Appeal with attachments with adequate number of copies to be served on respondents;
- ii. If appeal is presented through an Advocate, necessary Vakalatnama, duly attested with necessary court fee stamp, and also Advocate Welfare Fund Stamp, if applicable. Vakalatnama shall contain the address of the

Advocate with Enrollment Number, e-mail ID, Mobile Number etc. for proper communication;

- iii. In the event appeal is filed by an authorized representative, Chartered Accountant, Cost Accountant or Company Secretary, as provided in Section 56 of the Act, Power of Attorney or authority letter in original;**
- iv. Certified copy of the order under challenge;**
- v. All documents shall be produced along with the list of documents (Form B);**
- vi. An application for condonation of delay when appeal is presented after the expiry of period of limitation;**
- vii. Other documents, if any, in accordance with the law and rules framed thereunder.**

CHAPTER VII

EXAMINATION AND REGISTRATION OF PROCEEDINGS

11) Appeal

- i. The Registrar shall examine the appeal as expeditiously as possible but not beyond 3 working days from the date of receipt thereof.**
- ii. As soon as the memorandum of appeal is presented, the Registrar should examine it as per checklist (Form A) with a view to ascertaining –**
 - a) Whether appeal is competent;**
 - b) Whether presentation of the appeal is duly authorized;**
 - c) Whether appeal is in time and if not, whether an application for condonation of delay is filed as provided in sub-section (2) of Section 44 of the Real Estate (Regulation and Development) Act, 2016;**
 - d) Whether memorandum of appeal is accompanied by the certified copy of the judgment and order;**

- e) Whether appeal is properly stamped;
- f) Whether names of the parties stated in the memorandum correspond to the names in the copies annexed;
- g) Whether addresses given are registered addresses of the parties;
- h) Whether requisite registration fee, as prescribed, is paid.

iii. When the Registrar finds that the memorandum of appeal does not comply with any of the requirements referred to in sub-paragraph (ii) above, or is open to any objection(s), he should call upon the appellant or his lawyer, authorized representative, chartered accountant, cost accountant or company secretary, as the case may be, to comply with the requirements and remove the objection(s). In case of non-compliance within 3 working days there for, the memorandum shall be placed before the appropriate Bench for orders.

12)Miscellaneous Applications and Execution Petitions

- i. On receipt of Miscellaneous Applications and Execution Petitions, the Registrar shall examine the same on the lines of 11 (i) and (ii) above.
- ii. Miscellaneous Applications and Execution Petitions shall be registered separately as Miscellaneous Application and Execution Petition respectively.

CHAPTER VIII

SERVICE OF SUMMONS/APPEARANCE OF RESPONDENTS AND OBJECTIONS

13) Service of Summons/Notice

- i. All summons or notices are to be served on the other side by registered post with acknowledgement due or courier or e-mail.

- ii. In the event any application is presented by appellant or respondent during the pendency of any proceeding, notice of the same should be served in advance to the other side or to their representative, as the case may be.
- iii. If any summons/notice is returned unserved, Registry to notify the same immediately on the Notice Board. Appellant or Applicant or his authorized representative shall within three days from the date of return of summons/notice take steps to serve the summons/notice afresh.
- iv. In case of failure to take steps as per (iii) above, consequences to follow in accordance with the law.
- v. The respondent may file objections or cross objections in three sets within 7 days from the date of first appearance.

CHAPTER IX

HEARING OF APPEAL

14)

- i. No new documents, which have not been produced or relied upon before the Authority, shall be produced at the time of filing appeal. However, if any application is filed for production of additional documents or evidence, the same shall be considered by the Appellate Tribunal after giving opportunity to the other side.
- ii. As far as possible, hearing of appeal shall be concluded within sixty days from the date of its filing as per Section 44 (5) of the Real Estate (Regulation and Development) Act, 2016.

CHAPTER X

DEATH AND INSOLVENCY OF PARTIES

15)

- i. Where in a proceeding, any of the parties to the proceeding dies, the proceeding shall be continued and adjudicated with successors-in-interest

in case of individual or partnership firm as in the case of an insolvent, the official receiver or assignee as in the case of a company under liquidation/winding up, and the proceedings shall continue with the executor, administrator, liquidator or other legal representative of the party concerned, as the case may be.

- ii. In case of death of any parties to the proceedings, the application for bringing up the successors-in-interest shall be filed within 60 days. If not filed within 60 days, the application/proceeding shall be treated as abated.

CHAPTER XI

JUDGMENT AND DECREE

16) For judgment and decree, provisions of Order XX of the Code of Civil Procedure may assist as guidelines.

CHAPTER XII

OFFICERS OF THE TRIBUNAL

17)

- i. The Tribunal shall have the power to appoint the Registrar, Officers and other employees for discharging various duties. The qualifications, experience and terms and conditions of service and appointment of such Registrar, Officers and other employees shall be subject to such regulations as may be specified by the Tribunal.
- ii. The Registrar and Accounts Officer should ordinarily be two superior officers of the Tribunal. The Registrar shall be the Chief Ministerial Officer for the purpose of Court work and administration. The Accounts Officer shall look after all the work relating to accounts.

iii. The Tribunal may appoint or engage Registrar, Accounts Officer, Deputy Registrar, Consultants, Court Officer, Protocol Officer to assist the Tribunal in the discharge of its functions.

18) Powers and duties of the Officers

(A) Registrar

- i. The Registrar shall have the following powers and perform the following duties, viz. - to
 - a) have charge of and affix the seal of the Tribunal;
 - b) sign receipts for papers received in the Tribunal;
 - c) sign registers and books of proceedings and notices on the notice board;
 - d) sign 'By Order';
 - e) perform such duties and exercise such powers in relation to the recruitment of staff of the Tribunal;
 - f) issue notices, prepare agenda and record the minutes of the meetings of the Tribunal;
 - g) receive all appeals, execution petitions, miscellaneous applications and other documents relating to the proceedings presented to the Tribunal;
 - h) examine all appeals and applications so received as per 11 (i) to (iii) and take further necessary action;
 - i) endorse on such appeals and applications the date of receipt for the purpose of calculating limitations;
 - j) authenticate translations;
 - k) arrange the board fixing the appeals etc. for hearing;

- i) receive replies, cross objections, rejoinders in appeals and cross appeals;
- m) ensure maintenance of and sign roznamas daily;
- n) issue certified copy of the judgments, orders, decrees of the Tribunal and documents filed in the proceedings as per the procedure;
- o) collect from the State Government or other Officers, Companies and Firms or any other party, such information and record, report documents, etc., as may be directed by the Chairperson;
- p) discharge functions, as Chief Ministerial Officer relating to leave of absence, establishment, pay and allowances, contingent bills, budget estimates and similar matters of administration under the control of the Chairperson;
- q) exercise general control over the matters relating to arrangement, maintenance and destruction of records;
- r) return the documents in disposed of cases by substituting certified copy/copies wherever necessary;
- s) return original documents etc. produced by the parties in the Tribunal whenever they apply for the return;
- t) carry on routine correspondence as may be required;
- u) be overall in charge of compliance of writs, drawing of decrees, copying, establishment, accounts, stationery, dead stock register, library, records and protocol;
- v) any other duties as may be assigned by the Chairperson and Member.

ii. In the absence of the Registrar, an officer of the Tribunal so authorized by the Chairperson, shall exercise the functions of the Registrar.

iii. The Chairperson may, suo moto or on an application made by any interested or affected party, review, revoke, revise, modify, amend, alter or otherwise change any order issued or action taken by the Registrar or any officer of the Tribunal, if considered appropriate.

(B) Accounts Officer

Accounts Officer shall be the Chief Ministerial Officer for the purpose of Accounts. He shall perform other duties as may be assigned.

(C) Sheristadar

The Sheristadar shall perform following duties :

- i. Have custody of proceedings of the Tribunal.
- ii. Arrange the proceedings as per classification of records.
- iii. Maintain daily roznamas.
- iv. Transmit the record and proceedings promptly for copying.
- v. Deposit the proceedings on disposal with the record in charge.
- vi. Prompt compliance of writs.
- vii. Any other duties as may be assigned.

CHAPTER XIII

REGISTERS

19) The following Registers shall be maintained and necessary entries shall be posted on day to day basis by an official as the Registrar may nominate, subject to any order of the Chairperson.

- i. Appeal Register
- ii. Caveat Register
- iii. Complaint Register
- iv. Miscellaneous Applications Register

- v. **Unnumbered Appeal Register or Application (S.R) Register**
- vii. **Review Petition Register**
- viii. **Execution Petition Register**
- ix. **Writ Register**
- x. **Register of disposed of cases category wise**
- xi. **Certified Copy Register**
- xii. **Library Register**
- xiii. **Stationery Register**
- xiv. **Pass Book**
- xv. **Postage Stamp Register**
- xvi. **Challan Register**
- xvii. **Cash Book**
- xviii. **Register of TDS and GST details**
- xix. **Cheque Register**
- xx. **Fixed Asset Register**
- xxi. **Investment Register**
- xxii. **Petty Cash Register**
- xxiii. **Fees Register**
- xxiv. **Penalty Register**
- xxv. **Permanent Advance Register**

xxvi. Refund Register

xxvii. Contingent Expenditure Register

xxviii. Payment Register

xxix. Acquaintance Roll Register

xxx. Attendance Register

xxxi. Records Muster Register

xxxii. Fine Register

xxxiii. Dead Stock Register

xxxiv. Inward and Outward Registers

xxxv. High Court Appeal and Order Register

CHAPTER XIV

HIGH COURT APPEAL AND ORDER REGISTER

20)

- i. **A Register shall be maintained in regard to Appeals against the orders of the Appellate Tribunal to the High Court concerned and necessary entries therein be promptly made by the Section.**
- ii. **The Register shall be placed for scrutiny before the Chairperson in the first week of every month.**
- iii. **Whenever an interim or final order passed by the concerned High Court in an appeal or other proceeding preferred against a decision of the Appellate Tribunal is received, the same shall forthwith be placed before the Chairperson/Members for information and kept in the relevant case file. Immediate attention of the Registrar shall be drawn to the directions requiring compliance.**
- iv. **It shall be the duty of the Registrar/Authorized Officer to take expeditious steps to comply with the directions of the High Court concerned.**

CHAPTER XV

RECORDS

21) The Office to follow the provisions contained in Chapter XV of the Gauhati High Court Rules till the guidelines for Classification, Preservation and Destruction of Records of the Tribunal is in place.

CHAPTER XVI

CERTIFIED COPY

22) Certified Copies of Order

- i. A party to any proceeding may, on application made to the Tribunal and on payment of the prescribed Court fee, obtain a certified copy of any judgment, order, or any document filed in the proceeding. The application may be made by the party himself or by his recognized agent or by his pleader or Advocate and may also be sent by post.**
- ii. The application shall state whether the copy applied for is required for private use or otherwise.**
- iii. When a party applies for a certified copy by post other than registered post, the date of its receipt by the office of the Tribunal would be the date of the presentation of the application. Whenever such application is made by registered post, the same shall be prepaid for acknowledgement and the date of receipt of the letter would be the date of presentation of the application to the Tribunal.**
- iv. Applications for copies by persons other than parties to the proceeding shall be supported by an affidavit stating the purpose for which the copies are sought.**
- v. On receipt of an application, the office shall immediately scrutinize it with a view to ascertaining the correct number of the proceeding, names of the parties, description of the document copy of which is applied for, and whether the document is available for copying.**

- vi. The office shall estimate the costs of the copies before the copying work is undertaken. The estimate should, as far as possible, cover all probable costs of the copies.
- vii. The applicant shall be called upon to deposit the estimated costs of the copies applied for, and make up other deficiencies then and there only, if his presence is available in the office. In other cases, Registrar to pass the orders requiring the applicant to make good the deficiencies within a specified period of time, not exceeding seven days from the date of receipt of the intimation.
- viii. If the applicant fails to furnish the estimated cost or to make good the deficiencies within one month from the date of issuance of notice, his application for copy shall be filed/kept on record and the amount due to him, if any, shall be refunded after deducting the cost incurred, if any.
- ix. As soon as the office finds that the application is complete in all respects, Registrar to pass orders granting or refusing the application.
- x. Ordinary copies shall be furnished within 7 days of the presentation or receipt of the application, if the application is complete on that date, unless further delay is unavoidable in which case the cause shall be endorsed on the copy. In other cases, the period of 7 days shall be computed from the date on which the application is complete in all respects, excluding the holidays.
- xi. Urgent copies shall be furnished within 48 hours from the time the application is found to be complete, excluding the holidays.
- xii. When a party applies for a copy of an appellate judgment for the purpose of filing further appeal or revision, he shall be furnished with a copy within such time as per (x) and (xi) above. The party may also apply for copies of the grounds of appeal in case the same are not incorporated in the judgment itself as well of the cross objections, as available in the appeal proceedings before the Tribunal.

- xiii. In the case of Roznama, the portion of which copy is given, at the discretion of Registrar, must include all the entries of a particular date or dates, accompanied with the heading.
- xiv. Copies of any document on the record of a proceeding prepared by a party may in the discretion of the Registrar, be certified as true copies upon an application made in that behalf.
- xv. (1) The following endorsement shall be made on every copy of the document.
 - a) The date on which the copy was applied for.
 - b) The date on which application was complete.
 - c) The date (when the date once given is subsequently changed, the last of such changed dates) given to the applicant for taking delivery of the copy.
 - d) The date on which the copy was ready for delivery.
 - e) The date on which it was delivered or posted.
(2) To prevent unauthorized alterations being made, the date shall be written in letters in distinct handwriting and the endorsement should be signed by the Registrar on the date on which it was made.
- xvi. The certified copies shall be charged at the following rates :
 - a) A flat rate of Rs.4 for ordinary printed/photocopy and Rs.7 for urgent printed/photocopy shall be charged per page of the certified copy inclusive of copying, comparing and paper cost irrespective of the fact whether the document is in English or in the regional language.
 - b) In case of ordinary and urgent typed copy, Rs.10 and Rs.15 per page of the certified copy shall be charged respectively.
 - c) In case of a copy of map or plan, the charges for copying, comparing and paper cost shall not be less than Rs.5 and more than Rs.25 as the Registrar may determine.

- d) In case of comparison and certification of private copies prepared on private Photocopying Machine, the charges shall be Rs.10 per page.
- e) The Court fee stamps as may be prescribed under the Assam Court Fees Act shall be affixed on application for certified copies.

xvii. In case the estimated deposit falls short of the charges which would have to be recovered in respect of the copies, the balance shall be recovered from the parties or lawyer concerned before the copies are delivered personally. In case the applicant applies for such copies by post, it will be the responsibility of the party to collect the copies by paying the deficit.

xviii. All copies should be correct, printed, typed or photocopied clearly and shall be dated, subscribed and duly sealed.

CHAPTER XVII

REMOVAL OF DIFFICULTIES AND ISSUANCE OF DIRECTIONS

23) Notwithstanding anything contained in the Regulations, wherever the Regulations are silent or no provision is made, the Chairperson may issue appropriate directions to remove difficulties and issue such orders or circulars from time to time to govern the situation or contingency that may arise in the working of the Appellate Tribunal.

CHAPTER XVIII

CONFIDENTIALITY

24)

- i. The Tribunal shall be apprised and determine whether any document or evidence produced by any party and claimed by that party to be of a confidential nature is to be withheld from disclosure to other parties as being confidential and shall provide brief reasons in writing for arriving at its conclusion.
- ii. If the Tribunal is of the view that the claim for confidentiality is justified, the Tribunal may direct that the same be not provided to such parties as

the Tribunal may deem fit. However, the party claiming the confidentiality shall provide a brief non-confidential summary of the substance of the documents found to be confidential and the import of the same.

- iii. Notwithstanding the above, it shall be open to the Tribunal to take into consideration the contents of the documents found to be confidential in arriving at its decision.
- iv. The Tribunal may direct any person either to appear, to give evidence or to produce any document or books of accounts and such document or evidence produced may be ordered to be kept in the safe custody of any one of the officers of the Tribunal.

CHAPTER XIX

GENERAL POWERS TO AMEND/RECTIFY

25) The Tribunal may, at any time and on such terms as to or otherwise, as it may think fit, remove any defect or error apparent on the face of record in any proceedings before it (including any clerical or arithmetical error in any order passed by the Tribunal), either on an application filed by any one of aggrieved parties or suo moto, within 30 days from the date of the order. The Tribunal shall not pass any order on the said application, if entertained, without giving notice to other side. Provided that if the Tribunal desires to make amendments or rectification in the order to determine such issue, the Tribunal shall provide an opportunity to the parties affected by such amendment or rectification touching such issue to make representations and submissions with respect to the proposed amendment or rectification.

CHAPTER XX

SAVING OF INHERENT POWERS OF THE TRIBUNAL

26)

- i. Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Tribunal to make such orders as may be necessary for meeting or securing the ends of justice or to prevent the abuse of the process of the Tribunal.

- ii. Nothing in these Regulations shall bar the Tribunal from adopting, in conformity with the provisions of the Act or Rules, a procedure, which is at variance with any of the provisions of these Regulations, if the Tribunal, in view of the special circumstance of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for so dealing with such a matter or class of matters.
- iii. Nothing in these Regulations shall bar the Tribunal to deal with any matter or exercise any powers under the Act or Rules, for which no regulations have been framed, and the Tribunal may deal with such matters, powers and functions in a manner it thinks fit.

CHAPTER XXI

EXTENSION OR ABRIDGEMENT OF TIME PRESCRIBED

- 27) The time prescribed by the Regulations or by order of the Tribunal for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reasons by an order of the Tribunal, subject to the provisions of the Act and the Rules.

CHAPTER XXII

MISCELLANEOUS

- 28) The Tribunal shall make an endeavour to put an online system in place in respect of the functions relating to the Tribunal. These Regulations shall remain in force until amended, modified or substituted from time to time.

PARAGMONI MAHANTA,
Chairperson,
Real Estate Appellate Tribunal,
Assam.

A P P E N D I X**FORM A****CHECKLIST FOR SCRUTINY OF APPEAL****Appeal No.** _____**Complaint No.** _____**Parties** _____ vs. _____

| | | |
|--|--|--------------------|
| 1 | Legal provisions: U/sec. | of RERA Act |
| 2 | Whether the appeal is competent | Yes / No |
| 3 | Whether the name of the parties and their addresses are properly mentioned in the Appeal Memo | Yes / No |
| 4 | Whether certified copy of impugned Order/Judgment is filed with the appeal | Yes / No |
| 5 | What is the : | |
| | a) Date of the order :- | |
| | b) Date of its communication to the party by RERA :- | |
| | c) Date of application for certified copy :- | |
| | d) Date on which copy was ready :- | |
| | e) Date of receipt of certified copy :- | |
| | f) Date of Online filing of appeal :- | |
| | g) Date of submission of hard copy of Appeal Memo :- | |
| h) Whether there is any delay in submission of hard copy of Appeal Memo : | | Yes / No |

If yes, how many days :-

6 Is appeal filed within limitation (60 days) :- Yes / No
 (from the date of receipt of order)

7 Whether there is any delay in filing of appeal : Yes / No
 If yes, how many days :-

8 Whether application for condonation of delay is filed with appeal : Yes / No
 If not, raise its objection.

9 Whether requisite fees paid :- Yes / No
 If yes, copy of the receipt & date of payment :-

10 Whether the required documents are filed with Index & pagination :- Yes / No
 If yes, whether the documents are legible :-

11 i) Whether copy of appeal memo is annexed for giving the same to other side : Yes / No
 ii) Or served to other side by post / courier : Yes / No

12 Whether Vakalatnama /Authorization is filed and properly stamped Yes / No

13 Whether e-mail / phone / Mobile No. is on record : Yes / No

Signature of the Clerk, Scrutiny Branch

Submission :

Matter be placed before Hon'ble Chairperson for seeking Allotment Order.

FORM B**LIST OF DOCUMENTS**

| Sr. No. | Description of Documents | Page No. |
|--------------------|---------------------------------|---------------------|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |
| 8. | | |
| 9. | | |
| 10. | | |

Signature of the Appellant(s)

FORM C**APPEAL TO APPELLATE TRIBUNAL****Appeal under Section 44****For use of Appellate Tribunal's office :****Date of filing :** _____**Date of receipt by post :** _____**Registration No.:** _____**Signature :** _____**Authorized Officer :** _____**IN THE ASSAM REAL ESTATE APPELLATE TRIBUNAL****(Name of place)****Between****Appellant(s)** _____**And****Respondent(s)** _____**Details of Appeal :****1) Particulars of the appellants:**

- i) Name of the appellant :
- ii) Address of the existing office / residence of the appellant :
- iii) Address for service of all notices :
- iv) Contact Details (Phone number, e-mail, Fax Number etc.) :

2) Particulars of the respondents :

- i) Name(s) of respondent :
- ii) Office address of the respondent :
- iii) Address for service of all notices :
- iv) Contact Details (Phone number, e-mail, Fax Number etc.) :

3) Jurisdiction of the Appellant Tribunal :

The appellant declares that the subject matter of the appeal falls within the jurisdiction of the Appellate Tribunal.

b) Project Registration No :**4) Limitation :**

The appellant declares that the appeal is within the limitation specified in sub-section (2) of section 44.

OR

If the appeal is filed after the expiry of the limitation period specified under sub-section (2) of section 44 specify reasons for delay.

5) Facts of the case :

(Give a concise statement of facts and grounds of appeal against the specific order of the Authority or the Adjudicating Officer, as the case may be passed under section(s) _____ of the Act.

6) Grounds of Appeal :**7) Relief(s) sought :**

In view of the facts mentioned in paragraph 5 above, the appellant prays for the following relief(s) _____.

[Specify below the relief(s) sought explaining the grounds of relief(s) and the legal provisions (if any) relied upon]

8) Interim order, if prayed for :

Pending final decision on the appeal, the appellant seeks issue of the following interim order :

[Give here the nature of the interim order prayed for with reasons]

9) Matter not pending with any other court, etc. :

The appellant further declares that the matter regarding which this appeal has been made, is not pending before any court of law or any other authority or any other Tribunal(s).

10) Particulars of the fee in terms of sub-rule A(1) of rule 9 :

- i. Amount**
- ii. Mode**

11) List of enclosures :

- i. An attested true copy of the order against which the appeal is filed**
- ii. Copies of the documents relied upon by the appellant and referred to in the appeal**
- iii. An index of the documents**

V E R I F I C A T I O N

I _____ (name in full block letters)
son/daughter of _____ do hereby verify that
the contents of paragraphs (1 to 10) are true to my personal knowledge and belief
and that I have not suppressed any material fact(s).

Place :

Date :

Signature of the Appellant (s)